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S E C R E T OTTAWA 000746

SIPDIS

STATE FOR EB/ESC/TFS (DNELSON), S/CT (TKUSHNER), IO/PHO
(JSCHWEITZER), AND WHA/CAN
TREASURY (JZARATE), AND OFAC (RWERNER)
NSC (MRUPPERT)

E.O. 12958: DECL: 09/30/2014

TAGS: [EFIN](#) [PREL](#) [PTER](#) [CVIS](#) [KVPR](#) [KTFN](#) [CA](#)

SUBJECT: TERRORIST FINANCE - OTTAWA: GOC SEEKS U.S. VIEWS
ON DOMESTIC DESIGNATION OF HIZB-I ISLAMI GULBUDDIN (HIG),
GULBUDDIN HEKMATYAR AND MEK

Classified By: Classified by Wendy Moore, Economics Counselor, Ottawa.
Reason: 1.4(e).

1. (U) This is an action request.

2. (S) The GOC is considering possible Canadian Criminal Code listing of Hizb-I-Islami Gulbuddin (HIG), Gulbuddin Hekmatyar and the Mujahedin-e Khalq (MEK) in the near future. MEK and Gulbuddin Hekmatyar are currently listed in Canada under the UN Suppression of Terrorism resolution (UNSTR). (Note: The latter name is on OFAC's SDN list as Hekmatyar Gulbuddin and variations. End note). HIG is not currently listed in Canada. They would especially welcome USG views on the planned listing of HIG and the MEK.

What's the difference?

3. (S) In Canada, both the Criminal Code and UNSTR 1267 Committee designation freeze assets and prohibit fundraising. Penalties are higher under the Criminal Code, and the threshold for prosecution is arguably lower as it is not necessary to prove a link to terrorism. (Comment: Which also avoids the need to use certain categories of sensitive evidence. End comment.) However, while all UN 1267 Committee designations are automatically adopted under Canadian law, the threshold for listing under the Criminal Code is more rigorous. The GOC is in the process of reviewing implementation of its post-September 11 anti-terrorism legislation with regard to impact on domestic legislation and has identified the three names above as likely candidates for Criminal Code listing. However, they would like to confirm USG views before proceeding.

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